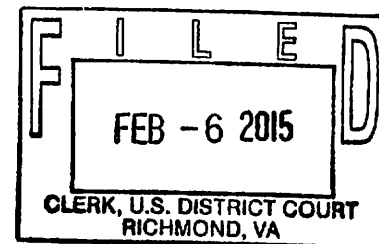


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



PATRICK J. FITZSIMMONS, M.D.,)

Plaintiff,)

v.)

CARDIOLOGY ASSOCIATES OF)
FREDERICKSBURG, LTD., *et al.*,)

Defendants.)

Civil Action No.: 3:15cv072

NOTICE OF REMOVAL

CARDIOLOGY ASSOCIATES OF FREDERICKSBURG, LTD. ("CAF"); RICHARD A. LEWIS, M.D.; FRANK R. SNOW, M.D.; GREGORY J. KAUFFMAN, M.D.; SCOTT J. SEIDNER, M.D.; ANH D. VU, M.D. and ATIQUE PAPPA (collectively, "Defendants"), by counsel, pursuant to 28 U.S.C. §§ 1441, 1446, 1331 and 1367 hereby remove this action to the United States District Court for the Eastern District of Virginia, Richmond Division, on the following grounds:

1. This is a breach of contract action relating to Plaintiff's termination from CAF. (Compl. at ¶ 1.) Plaintiff alleges that, he is owed post-termination compensation under his employment agreement. (*Id.*) In addition, Plaintiff has included a retaliation claim against Defendants under the False Claims Act, 31 U.S.C. § 3730(h). (*Id.* at ¶ 3.)

2. On or about December 19, 2014, Plaintiff filed this action in the Circuit Court for Spotsylvania County, Virginia.

3. Defendants timely filed responsive pleadings with the Circuit Court for Spotsylvania County.

4. Defendants timely filed their Notice of Removal with the Circuit Court for Spotsylvania County.

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiff has brought a retaliation claim under the False Claims Act, 31 U.S.C. § 3730(h), making removal pursuant to federal question jurisdiction proper.

6. All Defendants consent to removal.

7. Removal of this action is timely and proper pursuant to 28 U.S.C. §§ 1441 and 1446.

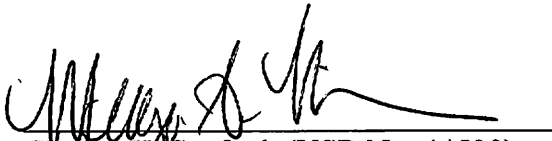
8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal has been provided promptly to Plaintiff.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal has been provided promptly to the Clerk of the Circuit Court for Spotsylvania County.

10. A copy of all process, pleadings, and orders served upon Defendants in this action are attached as Exhibit A.

CARDIOLOGY ASSOCIATES OF
FREDERICKSBURG, LTD.; RICHARD A.
LEWIS, M.D.; FRANK R. SNOW, M.D.;
GREGORY J. KAUFFMAN, M.D.; SCOTT
J. SEIDNER, M.D.; ANH D. VU, M.D. and
ATIQUE PAPPA

By Counsel

A handwritten signature in black ink, appearing to read 'Charles K. Seyfarth', is written over a horizontal line.

Charles K. Seyfarth (VSB No. 44530)

Thomas A. Coulter (VSB No. 46532)

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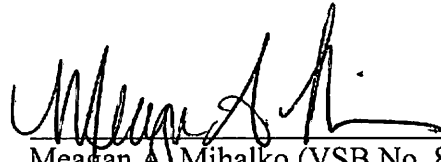
Meagan.Mihalko@leclairryan.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the counsel of record listed below via first class mail, postage pre-paid, on this 6th day of February 2015.

John Barry Donohue, Jr., Esquire
Law Offices of John Barry Donohue, Jr.
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Counsel for Plaintiff



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